

ONEIDA COUNTY PLANNING & ZONING
June 21, 2006
12:30 P.M. – CLOSED SESSION -COMMITTEE ROOM #2
1:00 P.M. REGULAR MEETING – COMMITTEE ROOM #2
2ND FLOOR, ONEIDA COUNTY COURT HOUSE

Members present: Chairman Bob Metropulos
Scott Holewinski
Frank Greb
Ted Cushing
Larry Greschner

Department staff present: Karl Jennrich, Zoning Director
Pete Wegner, Assistant Zoning Director
Nadine Wilson, Land Use Specialist
Mary Bartelt, Typist III

Other County Staff: Brian Desmond, Assistant Corporation Counsel

See Attached Guest List:

1. Call to order.

Chairman Metropulos called the meeting to order at 12:33 P.M., in accordance with the Wisconsin Open Meeting Law.

2. Discussion/decision to approve the Agenda.

MOTION: (Scott Holewinski/Larry Greschner) to approve the June 21st 2006 agenda. With all members present voting “aye” motion carried.

3. It is anticipated that the Committee may meet in Closed Session pursuant to Wisconsin Statutes, Section 19.85 (1)(g), conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. A roll call vote will be taken to go into closed session.

MOTION: (Scott Holewinski/Frank Greb) to enter into Closed Session, Roll Call Vote: Scott Holewinski “aye”, Larry Greschner “aye”, Frank Greb “aye”, Ted Cushing “aye” and Bob Metropulos “aye”. All “aye” on voice vote. Motion carried.

Time: 12:34 P.M.

4. A roll call vote will be taken to return to open session

MOTION: (Ted Cushing/Larry Greschner) to return to open session. Roll Call Vote: Scott Holewinski “aye”, Larry Greschner “aye”, Frank Greb “aye”, Ted Cushing “aye” and Bob Metropulos “aye”. All “aye” on voice vote. Motion carried.

Time: 1:00 P.M.

For the record, the Committee conferred with legal counsel regarding possible litigation.

5. Discussion/decision to approve meeting minutes of May 17, 2006 & May 31, 2006.

MOTION: (Larry Greschner/Ted Cushing) to approve the meeting minutes of May 17, 2006. All “aye” on voice vote. Motion carried.

MOTION: (Frank Greb/Ted Cushing) to approve the meeting minutes of May 31, 2006. 3 ayes, 1 abstains. Motion carried.

6. Discussion/decision concerning the preliminary 2-lot subdivision of Richard Schultz, owner, on property located in the NE SW, Section 26, T37N, R7E, on Goodyear Lake, in the Town of Cassian, PIN# CA 895 B.

Karl Jennrich explained to the committee that this property meets the requirements of Class II waterway. The town of Cassian approved the preliminary 2-lot subdivision of Richard Schultz on June 6, 2006. Soils work was done on the property to show the suitability for sub-dividing. The only issue that the Planning & Zoning Department has is once the sanitary permit is issued the benchmark is on the wrong parcel of property. The department informed the soil tester and owner of that issue. Mr. Jennrich talked about the access to Lot #2. Right now there is an existing easement road, which goes across Lot #1, but there is a question on access to Lot #2. Goodyear Lake Road runs to the North, which serves five other homes and the road, which goes down to Lot #2 is an existing 33' wide easement described in Vol. 444, pg. 528, which was deeded in 1979. (Access resolved)

Mr. Jennrich read the conditions:

1. Privy be replaced within one year or upon sale

Planning and Zoning Department will deal with the benchmark problem.

MOTION: (Scott Holewinski/Larry Greschner) to approve the 2-lot preliminary subdivision of Richard Schultz, Item #6 on today's agenda with staff concerns. All “aye” on voice vote. Motion carried.

7. Discussion/decision concerning the preliminary 2-lot CSM of John Bell, owner, on property described as being located in Gov't Lot 5, Section 21, T36N, R9E, in the Town of Pelican.

Nadine Wilson presented the 2-lot CSM of John Bell to the committee. This property is zoned general use. There are existing homes on the property which both have sanitary systems, one from 1975 on Lot #1 and is servicing a 1 bedroom home and the other sanitary system is from 2004 servicing Lot #2, servicing a 3 bedroom home. There are no wetlands, no existing easements. Lot #1 will have a new access and that will be off of Riverbend Road, which is one of the department's requirements. The P & Z Department received a letter of approval from the Town of Pelican on 6/13/06.

Staff would recommend approval with the following conditions:

1. Patricia Lane be put on the plat and that the town and county are not responsible for the maintenance and/or snowplowing
2. Must contact the Land Information Office for addressing and the Town of Pelican for a driveway permit for Lot #1

MOTION: (Larry Greschner/Scott Holewinski) to approve the preliminary 2-lot CSM of John Bell, Item #7 on today's agenda with staff concerns. All “aye” on voice vote. Motion carried.

8. Discussion/decision concerning Section 9.93 Lot Sizes in Shoreland Areas: Waterway Classification, of the Oneida County Zoning and Shoreland Protection Ordinance. The Committee will be exploring removing requirements for lots created prior to May 19, 1999 and adjusting Appendix A.

Mr. Jennrich explained to the committee that the previous Planning and Zoning Committee and this committee have made motions to eliminate lots created prior to May 19, 1999. A county board member was interested in having lots created prior to our shoreland ordinance “grand fathered” in. This county board member wanted these lots to be developed as they were previously before the adoption of the new shoreland ordinance.

In 2000 the Planning and Zoning Department adopted new sets of charts for minimum lot area and dimensional requirements for uses and zoning districts. EXHIBITS #1, 2 and 3.

Corporation Counsel gave a legal opinion stating “treating two lots in the same Zoning District based on when a lot was created is legal.”

Mr. Jennrich explained that with all the different zoning districts we now have Class I waterways, which are 50 acres or less, which requires more frontage then the Class II waters of 50 acres or more. Also explained on the charts are the unsewered and sewer water lots, which were created prior to May 19, 1999. Also in these charts are unsewered and sewer back lots. (Not on the waterfront properties)

Mr. Jennrich and the committee reviewed the charts.

Mr. Jennrich will discuss Classway II waterways for Business Districts 6 & 7 with Mr. Handrick, Chair for the Town of Minocqua.

MOTION: (Frank Greb/Scott Holewinski) to change Recreational Zoning District, Multi-Family, Recreational, Resident/Farming and General Use (Sewered) proposal Classway II waterway 20,000 sq. ft. with 100’ RFW (riparian frontage width) and 100’ ALW (average lot width)& 15,000 square ft., 40’ RFW & 40’ ALW each additional unit. All “aye” on voice vote. Motion carried.

MOTION: (Scott Holewinski/Ted Cushing) to change Recreational Zoning District, Multi-Family, Recreational, Resident/Farming and General Use (Unsewered) proposal Classway II waterway 20,000 square ft. with 100’ RFW (riparian frontage width) and 100’ ALW (average lot width), & 15,000 square feet, 40’ RFW and 40’ ALW for each additional unit. All “aye” on voice vote. Motion carried.

Also under Sec. 9.93, discussion took place regarding the Chairman’s (Bob Metropulos) intent that if a project has multiple lots under the condominium form of ownership that the Chair will take the position that he will abide by Corporation Counsel’s opinion whether or not the rest of the committee decides to do so.

Mr. Jennrich, “If you have a project that involves multiple lots and you subject those lots to a condominium form of ownership, the Chair will take the position that that is a lot created after May 19, 1999.” “Again, you as a committee might have a vote against those types of projects.”

Scott Holewinski, "We as a committee (former committee) voted against outside legal counsel, but we were satisfied with having Corporation Counsel follow through on this change."
"Corporation Counsel had an opinion and we as a committee had to decide if we wanted to go along with his opinion or not." Otherwise, you just don't need us sitting here, you just have Corporation Counsel making all those decisions."

Chair Metropulos, "All right, we will leave it lay, I just want it on the record that I thought it would be a good thing to follow Corporation Counsel's legal advice."

Mr. Jennrich will send the proposed changes of the Classway II waterway to Corporation Counsel and will also talk with Mr. Joe Handrick.

9. Discussion/decision involving Section 9.94, & 9.98 concerning language related to the placement of boathouses within the Oneida County Zoning & Shoreland Protection Ordinance.

Mr. Jennrich updated the committee regarding closed session discussions about various enforcement cases regarding boathouses. There have been a rash of boathouse problems. Mr. Jennrich believes these problems have arisen because the department does not restrict the size of boathouses. The only thing that restricts the size is that the boathouse must be placed in the view corridor. Boathouse permits have been issued for some quite large boathouses, anywhere from 24 to 27 foot wide by 40, 50, 60 foot long. The department brought to the committee some language proposals for review. Any ordinance amendments/resolutions should be going to Corporation Counsel immediately upon drafting, therefore Mr. Jennrich will send the language proposal changes to Corporation Counsel for review, etc. and ask for substantial comments by such and such a day so Mr. Jennrich can schedule for a public hearing.

Language proposed from the P & Z staff is: "Construction of boathouses confined to the viewing corridor".

Mr. Peter Wegner went on to explain that some of these language proposals were incorporated from some of the Vilas County ideas, but allow you 20' instead of the 15' that Vilas County has in there ordinance. Also, a boathouse shall not be constructed on slopes 20% or greater.

Mr. Jennrich explained to the committee that Corporation Counsel gave an opinion that a boathouse has to store a boat.

Mr. Greschner, "But number 11 says for no other purpose accept storage of boat."
"Then you go to Number 12 and you can store all sorts of accessories."

Mr. Scott Holewinski, "The main part is that they have been building their boathouses 30' wide because of a 30' corridor and we all know that they cannot do that."

Chair Metropulos asks for a motion to send this to Corporation Counsel for review.

MOTION: (Scott Holewinski/Ted Cushing) to approve the proposed language and have the proposed language reviewed by Corporation Counsel and schedule for public hearing. 2 ayes, 3 nos. Motion failed.

Mr. Greschner, "Now what do we do with Number 11, "A boathouse shall be used for no other purpose except the storage of boats?"

Mr. Greb, "Take it out, just eliminate it."

Mr. Wegner, "If you take #11 out, there would be controversy between what is a boathouse versus a storage shed."

MOTION: (Frank Greb/Ted Cushing) to pass it the way it is and eliminate Item #11. 3 ayes, 2 nos. Motion carried.

Committee feels uncomfortable with the motion. Mr. Wegner will prepare the proposed language and bring back to the next P & Z meeting scheduled for July 5, 2006.

Committee recessed at 2:23 p.m. to conduct the Public Hearing

Committee reconvened at 3:38 p.m.

Supervisor Ted Cushing excused from the meeting at 3:43 p.m.

10. Discussion/decision concerning a possible moratorium on the issuance of boathouse permits.

Mr. Jennrich will put this item on the agenda at the next scheduled meeting for Wednesday, July 5, 2006.

11. Discussion/decision concerning amendments to Section 9.73 Overlay Districts in the Oneida County Zoning & Shoreland Protection Ordinance.

Discussion Only

Mr. Jennrich explained that a memo was sent out to the committee regarding acceptable roofing material or what would be acceptable and also sent the proposed language to Corporation Counsel for review prior to setting up for notice of public hearing. He has not received a response from Corporation Counsel yet.

Committee reviewed the proposed roofing material list. Committee asks for more explanation with examples.

12. Discussion/decision concerning amendments to the Oneida County Subdivision Ordinance

Mr. Jennrich explained to the committee that the Subdivision Ordinance will be held off until wintertime. Mr. Jennrich updated both Bob Metropulos and Larry Greschner, being new members to the Planning & Zoning Committee, that there was an Oneida County Planning and Zoning Subdivision Advisory Group which included Jim Rein, (representing the surveyors), Fred Haggeman (Action Team Plumbing) and a plumber, Dave Ebben a real estate developer, Russ Johnson, (a septic system installer), Don Johnson, (Chairman of the town's association) Michael Klues, who is no longer with us and is retired, (Wisconsin Public Service) Mike Romportl (Land Information), Steve Osterman, Nadine Wilson, Kurt Bloss and Karl Jennrich.

At this time Chairman for the town's association is Gary Baier.

Mr. Jennrich needs town representation because this subdivision ordinance affects the towns just as much as the county.

Mr. Jennrich would like to wait until fall to work on the subdivision ordinance. Committee agrees.

13. Discussion/decision of line item transfers, refunds, purchase orders and bills.

Mr. Jennrich presented bills for mileage in the amount of \$969.60, Lakeland Printing in the amount of \$304.04 and refunds for David Sankey, Sankey Septic in the amount of \$75.00 and Oettinger Excavating in the amount of \$200.00. TOTAL: \$1,548.64.

MOTION: (Scott Holewinski/Frank Greb) to approve the two refunds in the amount of \$275.00 as presented. All members voting “aye” on voice vote. Motion carried.

Mr. Jennrich also presented a refund of Mr. McCullum, who has a 47 mini storage in the Town of Woodruff and that Mr. McCullum had applied for a conditional use permit. Staff made a comment that he had a slab poured prior to the issuance of the building permit and prior to the issuance of the conditional use permit. Staff believes that is was after the fact and could have charged him after the fact permit fee for the building permit, but this was not done. Citations could have been issued, but was not done. The department charged him a total of \$225.00 for early start, footings and foundations.

Mr. Jennrich read Mr. McCullum’s letter into the record.

MOTION: (Larry Greschner/Larry Greschner) to deny the refund. All “aye” on voice vote. Motion carried.

MOTION: (Scott Holewinski/Larry Greschner) to approve the bills as presented. All “aye” on voice vote. Motion carried.

14. Discussion/action concerning pending Ordinance Amendment #07-2006 scheduled for the County Board of Supervisors.

Mr. Jennrich explained to the committee that this ordinance is a rezone and that he made a modification to the ordinance. This rezone change is from Single Family to Business 07 in the town of Newbold (Palubicki).

MOTION: (Frank Greb/Larry Greschner) to approve Ordinance Amendment #07-2006 resolution and forward to the Full County Board. All “aye” on voice vote. Motion carried.

15. Communications.

Mr. Jennrich stated that tentatively the department might have a Permit Specialist. Mr. Jennrich also stated that his department was busy with permits and that the long form complaints were being updated.

16. Public comments.

Chair Metropulos asks Mr. Karl Jennrich if he had done anything with Mr. Billy Poopart regarding his garbage. Mr. Jennrich stated that Mr. Poopart would not accept any certified letters, which the Planning & Zoning had sent him.

Mr. Frank Greb, “I thought Pete Wegner did a very good job answering Mr. Okowski’s letter.” Committee agreed.

17. Discussion/decision regarding future agenda items.

Mr. Scott Holewinski asked that the discussion of staff, etc. be placed on this agenda and asks why it is not on the agenda.

Chair Metropulos stated that he asked that it not be put on the agenda until Mr. Holewinski discussed it with him. Items should come from the chair.

Mr. Holewinski would like to discuss staffing, what the policies and procedures are of the Planning & Zoning Department and duties of each staff member.

Chair Metropulos felt that more information needed to be gathered prior to putting on an agenda.

Mr. Jennrich, "Basically, the agenda belongs to the chairman."

18. Adjourn.

4:15 PM There being no further matters to lawfully come before the Committee, a motion was made by Larry Greschner, second by Scott Holewinski to adjourn the meeting. With all members present voting "aye", the motion carried.

Chairman Bob Metropulos

Karl Jennrich Zoning Director